

McGREGOR W. SCOTT
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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|---------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | No. 2:4-cr-00387-MCE |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | <u>STIPULATION AND ORDER</u> |
| JESUS RODRIGUEZ, |) | <u>CONTINUING TRIAL AND TRIAL</u> |
| |) | <u>CONFIRMATION HEARING DATES</u> |
| Defendant. |) | |
| _____ |) | |

It is hereby stipulated between the parties, Plaintiff United States of America, by and through United States Attorney McGregor W. Scott and Assistant United States Attorney Phillip A. Talbert, and Defendant Jesus Rodriguez, through his attorney Bruce Locke, as follows:

It is agreed that the current trial date of June 16, 2008, and trial confirmation date of May 22, 2008, be vacated and a new trial date of October 14, 2008, and new trial confirmation date of September 11, 2008, be set.

The continuance of the trial and trial confirmation hearing is necessary because the case agent is scheduled to be out of the country during the expected trial as it is currently scheduled;

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1 defense counsel has trials scheduled in other federal cases in this
2 district during July and September 2008; the government is in the
3 process of obtaining by trial subpoena telephone records that will
4 be produced in discovery; the government is obtaining transcripts
5 and translations of three audio recordings in the case, in addition
6 to those already obtained and produced in discovery; and defense
7 counsel continues to investigate and prepare for trial and needs
8 time to review the additional telephone records and
9 transcripts/translations and to discuss them with the defendant.

10 Accordingly, the parties jointly request a new trial date of
11 October 14, 2008, and a new trial confirmation date of September 11,
12 2008, at 9:00 a.m., and that the time period from May 22, 2008, to
13 and including October 14, 2008, be excluded under the Speedy Trial
14 Act pursuant to 18 U.S.C. §3161(h)(8)(B)(iv) and Local Code T4 for
15 defense preparation and continuity of counsel and based on a finding
16 by the Court that the ends of justice served by granting a
17 continuance outweigh the best interest of the public and defendant
18 in a speedy trial.

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3 Dated: May 13, 2008

Respectfully submitted,
/s/Bruce Locke
BRUCE LOCKE, ESQ.
Attorney for Defendant
JESUS RODRIGUEZ
By PAT per email authorization

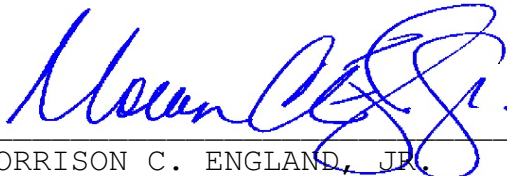
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8 Dated: May 13, 2008

McGREGOR W. SCOTT
United States Attorney
/s/Phillip A. Talbert
PHILLIP A. TALBERT
Assistant U.S. Attorney
Chief of Appeals
Attorney for Plaintiff

11 **ORDER**

12 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

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14 Dated: May 27, 2008

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17 MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE